

CITY COUNCIL REPORT
PUBLIC

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TO: Mayor and Council Members

FROM: Dan Folke, Planning Director

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SUBJECT: Path Forward on Residential Displacement and Relocation

Background

At the October 28, 2014 work session, staff presented a draft relocation ordinance to Council. The draft ordinance required a developer to prepare a relocation impact report as part of a zoning map amendment application if the proposed development would displace existing residents. After Council gave direction on the draft ordinance to staff to limit the ordinance to mobile-home parks, City Council was advised that the proposed ordinance had become too narrow and that the City was pre-empted in the field because the State of Arizona has an existing program which provides benefits to mobile-home owners.

At the January 27, 2015 work session, staff presented a list of alternative approaches to the issue. The purpose of this CCR is to provide additional information on these approaches.

Discussion

1. Consideration of Zoning Applications under the Regional Plan.

When Council reviews a zoning map amendment, they must make certain findings before they can grant approval. One of those findings is the amendment must be consistent with the Regional Plan. The Flagstaff Regional Plan 2030 (FRP 2030) includes a policy on displacement and relocation.

Policy LU.1.12 Seek fair and proper relocation of existing residents and businesses in areas affected by redevelopment and reinvestment where necessary

Policy LU.1.12 includes all residents that would be displaced including tenants. The State program provides funds to relocate or abandon mobile homes, however these funds are only available to mobile home owners. Because the language in the Regional Plan is broader, City Council may consider the needs of all displaced residents and if the applicant is providing fair and proper benefits to assist these residents. If it is determined that an application is not consistent with Policy LU.1.12, City Council may deny a request to rezone a property.

2. Earlier Review at Concept Plan Level

In an effort to inform applicants of relevant Regional Plan goals and policies early in the process, Comprehensive Planning staff now provides written comments during concept plan review. Concept plans are an informal review intended to identify rules and procedures and potential problems or concerns prior to site plan review. If a project is displacing residents and will require a zoning map amendment, then Policy LU.1.12 will be provided to the applicant with the expectation that the rezoning application will address this policy. Staff will advise applicants that they should assess the need of displaced residents first. If they are a population with reduced housing options due to income, disability, age or other circumstance, then they should provide information on plans for relocation assistance. Providing FRP 2030 analysis during the concept plan review should provide applicants better information earlier in the process and result in a more complete plan analysis and project.

3. Additional Opportunity for Neighborhood Input

Staff is preparing an amendment to the Zoning Code which will require an additional neighborhood meeting to occur between site plan review and the first public hearing on a zoning map amendment. The code currently requires a neighborhood meeting prior to site plan review. The application must include a report on the meeting with details on how the public was provided information, who attended, what issues and concerns were discussed and how the application is addressing these issues. The Code also allows the Planning Director to require a second neighborhood meeting if the application has been substantially modified since presented to the neighborhood. Recent experiences found a significant amount of time can lapse between the neighborhood meeting and the first public hearing. While the Code requires an applicant to address concerns raised during the first neighborhood meeting prior to submitting a site plan, additional changes may occur during site-plan review to comply with development standards.

The amendment will make a second neighborhood meeting mandatory, rather than at the discretion of the Planning Director. The second neighborhood meeting

will provide the public the current site plan, an opportunity to ask questions and an opportunity for input outside a public hearing. The second neighborhood meeting will also provide the applicant an opportunity to demonstrate to the public how they have responded to issues that may have been raised at the first neighborhood meeting. Staff believes the proposed Code amendment is supported by the following FRP 2030 policies.

Policy LU.1.11 Ensure that there is collaboration between a developer, residents, and property owners in existing neighborhoods where redevelopment and reinvestment is proposed so that they are included, engaged and informed.

Policy NH.6.1. Promote quality redevelopment and infill projects that are contextual with surrounding neighborhoods. When planning for redevelopment, the needs of existing residents should be addressed as early as possible in the development process.

4. Inclusion of Tenants.

Current Notice of Public Hearing requirements do not include tenants of subject properties. Applicants of any action that requires a public hearing must send out notices to all property owners of the subject property and owners within 300 feet. However, notification is not required of residents of the land subject to the application. Staff is proposing an amendment which will require notification to include on-site residents.

5. Notice of Sale.

Staff will explore opportunities to inform current mobile home owners, potential buyers and tenants that a property is for sale. The purpose is to allow potential buyers and tenants to make informed decisions when purchasing a unit.

6. Potential Legislative Action.

Because the City is pre-empted by the existing state mobile home act, the City Council may wish to include an item on their legislative agenda to allow cities to develop local relocation programs that can provide benefits to mobile home owners, tenants and residents that don't qualify under the state program. Because the current program provides benefits to mobile home owners only, staff believes a local program that provides relocation benefits to all impacted residents is appropriate to consider.

Recommendation

Items 1 & 2 do not require any action by City Council and are part of the current review process.

Items 3 & 4 will be reviewed by the Planning & Zoning Commission and City Council as part of proposed zoning code amendments presented this summer.

Item 5 will be reviewed by the City Attorney and business licensing office. Any proposed changes will be presented to City Council.

Item 6 is for City Council's consideration during future legislative agenda discussions.